

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 9-13. These sheets, which include Figs. 9-13, replace the original sheets including Figs. 9-13.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-11 are pending in the present application

In the outstanding Official Action, Figures 9-13 were objected to; Claims 1-3, 6-8, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Edler et al. (U.S. Patent 7,110,953, hereinafter Edler) in view of Chen et al. (U.S. Patent 6,765,695, hereinafter Chen); and Claims 4, 5, 9 and 10 were objected to as being dependent upon a rejected base claim, but were indicated as including allowable subject matter if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the courtesy of an interview extended to Applicant's representative on September 5, 2007. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. The Examiner agreed that the claims distinguished over the art of record. However, no agreement as to allowability was reached as the amended form of the claims required further searching. Arguments presented during the interview are reiterated below.

With respect to the objection to Figs. 9-13, these figures are amended to include the label "conventional."

Applicant thanks the Examiner for the indication of allowable subject matter. However, these claims remain in dependent form because Applicant respectfully submits that the pending independent claims patentably distinguish over the cited references.

With respect to the rejection of Claim 1 as unpatentable over Edler and Chen, Applicant respectfully traverses this ground of rejection. Claim 1 recites "a filtering

processor that includes a filter and is configured to switch between a pre-filtering path and a post-filtering path.” Elder and Chen, taken alone or in proper combination, do not disclose or suggest this element of Claim 1.

The outstanding Office Action appears to rely on Edler to disclose a switch that switches between a pre-filtering and post-filtering path. The outstanding Office Action points to the psychoacoustic model control 315 as being a switch that switches between a pre-filtering path and post-filtering path. However, Edler does not disclose or suggest that psychoacoustic model controller 315 performs a switching function. On the contrary, column 4, lines 15-20 of Edler describes that psychoacoustic model controller 315 controls a pre-filter 310. Column 4, lines 23-25 of Edler describes that psychoacoustic model controller 315 controls audio decoder 350. However, Edler never describes or suggests that psychoacoustic model switches between pre-filter 310 and post-filter 380. Controlling both pre-filter 310 and the post-filter 380 is not the same as switching between a post-filtering path and pre-filtering path.

Furthermore, Chen does not cure the above-noted deficiency in Edler.

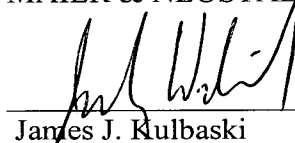
In view of the above-noted distinctions, Applicant respectfully submits that Claim 1 (and any claims dependent thereon) patentably distinguishes over the combination of Edler and Chen, taken alone or in proper combination.

Furthermore, as discussed during the above-noted interview, support for Claim 4 is found, for example, in page 16, line 10 to page 17, line 1, and page 17, line 17 to page 18, line 10.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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